

# Charny & Associates

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July 23, 2013

Via ECF

Hon. Frederick J. Scullin  
United States District Judge  
United States District Court  
Northern District of New York  
Federal Building and U.S. Courthouse  
P.O. Box 7255  
Syracuse, New York 13261-7255

Re: Corbett-Ward v. NYS Office of Alcoholism and Substance Abuse Services, et al.  
Civil Action No. 12-CV-1755 (FJS/RFT)

Dear Judge Scullin:

This office represents plaintiff Patricia Corbett-Ward in the above-referenced action. I write in connection with Defendants' Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c) (ECF Dkt. No. 21). Therein, Defendants seek dismissal of Plaintiff's claims under 42 U.S.C. § 1983 as to defendants New York State Office of Alcoholism and Substance Abuse Services ("OASAS"), Julia Fesko and Brigitte Hartman DeCenzo, and under the Equal Pay Act (EPA) as to defendant OASAS. Defense counsel, in her July 16, 2013 letter to the Court (ECF Dkt. No. 24), clarified that Defendants only sought dismissal of Plaintiff's EPA claims that accrued outside the applicable limitations period.

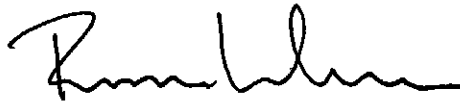
Counsel for the parties have discussed the arguments raised by Defendants' motion, as clarified by counsel's July 16, 2013 letter, and are prepared to resolve the motion by way of the following stipulation:

- i. Plaintiff agrees to withdraw with prejudice her claims pursuant to 42 U.S.C. § 1983 against defendants OASAS, Julia Fesko and Brigitte Hartman-DeCenzo (count two of the Complaint); and
- ii. The parties agree that, solely for purposes of addressing the sufficiency of the allegations in the complaint, pursuant to 29 U.S.C. § 255(a), any EPA claim that Plaintiff may ultimately prove not arising out of a willful violation of that Act and accruing prior to November 28, 2010, is untimely, and that any EPA claim that plaintiff may ultimately prove arising out of a willful violation of that Act and accruing prior to November 28, 2009, is untimely.

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This stipulation, if So Ordered by the Court, will moot Defendants' Motion (ECF Dkt. No. 21). In the event that the Court rejects the parties' proposed disposition, Plaintiff respectfully requests that the time by which she is required to file her opposition to the pending motion be extended up to and including August 30, 2013. Defendants consent to such an extension. There have been no prior extensions or requests for extension of this deadline.

Respectfully submitted:

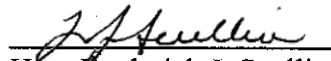


Russell G. Wheeler  
Bar Roll No. 517881

cc: Shoshanah V. Belway (via ECF)

SO ORDERED:

Dated: July 24, 2013



Hon. Frederick J. Scullin,  
Senior United States District Judge